and [that] storing the amplified bioresonance signal [is stored] on an electromagnetic memory.

5. (Amended) Therapeutical method for the treatment of a diseased [states] state of a patient, [characterized in that] comprising the steps of applying a magnetic tape [is applied] to the skin of a patient, said tape comprising [the] a bioresonance signal of [the] a medical compound in a predetermined amplification, whereby the medical compound is [usually] applied for elimination of the diseased state.

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated February 16, 2000, and reconsideration of that Action is requested in view of the following comments.

A petition for a two-month extension of time accompanies this response together with the appropriate fee. Accordingly, the due date for response has been extended until July 17, 2000 (July 16 being a Sunday), and this response is therefore timely filed since it was deposited in the mail for First Class Delivery Service on the date certified on the front page hereof.

The filing of the unsigned Preliminary Amendment and Information Disclosure Statement is regretted. The minor change to claim 3 has now been made in this response. Also, the Information Disclosure Statement has been signed, and a copy is enclosed.

The claims stand rejected on formal grounds under 35 USC § 112, first and second paragraphs. In view of the claim changes and the following discussions, reconsideration of these grounds of rejection is respectfully requested.

Reconsideration is requested of the Examiner's position that an electromagnetic memory cannot be considered as a pharmaceutical form. The specification of the present application refers to a magnetic tape as a preferred embodiment. Therefore, it is clear that the pharmaceutical administration form is to be applied locally to the skin of a patient.

The administration form itself is a new form of an application for a pharmaceutical drug which is clearly described in the examples and therapy reports. Therefore, the recitation is not vague.

The magnetic tape, particularly video tapes and all other tapes used in the HiFi-area can be used according to the invention (p. 5, last line, p. 6, second paragraph, example 1 (p. 28, second para.)).

The present specification teaches in the process of the invention that the video tape has been put in a resonator electrode (output electrode) which transfers the electromagnetic spectrum as being recorded by a resonance unit to the magnetic particles of the magnetic tape. This is a typical recording process as used in video-tape recorders worldwide. Therefore no difference in the recording process exists between the recording process of the invention and the classical tape recording of video- or other tape recorders.

The present invention clearly teaches the use of a certain drug which is usually applied for the elimination of a certain disease, i.e. only that drug is, of course, to be administered which will cure this disease in a direct way rather than through their metabolites. The resonance spectrum of that drug for curing the corresponding disease is recorded by the apparatus according to the method of the invention on a magnetic tape which is then used locally on the body of a patient. Therefore the drug itself and the associated disease is critical for the invention.

Applicant respectfully states that he does not use with the invention a bioresonance-treatment. Instead, he produces a magnetic tape which comprises analog recorded data (as a music-tape) which comprises the resonance spectrum of a drug which has been recorded in the range of 1Hz - 150 kHz. The tape is to be applied to the body of a patient **without** further using a bioresonance treatment or similar treatment methods. Therefore the comparison with the statement of the Swiss group on one side referring to the treatment with bioresonance apparatus and the magnetic tape with a recorded spectrum of a drug is worthless, since the treatment methods are completely different. Again, the inventor herein only uses a bioresonance recording apparatus for recording an electromagnetic spectrum of a certain compound which is pharmaceutically active.

Applicant respectfully submits that the subject matter defined in claims 1-5 herein is neither shown nor suggested by the prior art taken alone or in combination with one another. For the reasons expressed below, claim 1 is not anticipated by Berner et al DE 34 19 055 ("Berner"), and claims 1-3 and 5 are not anticipated by Whitson-Fischmann US 5,162,037. Similarly, claims 1 and 4-5 are not anticipated by Dillinger et al US 5,830,140 ("Dillinger").

Berner describes a magnet foil sheet for a biophysical treatment. As can be seen from the Figures of drawing, the magnet sheet comprises several layers, and the outer layer thereof comprises photoelectric metal plus mineral salts. The magnetic layer itself has as an object to amplify the heterogen magnetic field of that mineral salt which has nothing to do with an electromagnetic spectrum which is directly recorded in the structure of the magnetic particles of the invention.

Berner does not teach any recording process for recording an electromagnetic spectrum of a drug and does not disclose the use of any drug by means of its electromagnetic spectrum on a magnetic tape. Accordingly, there is no anticipation of the subject matter of claim 1.

Similarly, Whitson-Fischman fails to anticipate the subject matter of claims 1-3 and 5. The teaching of the Whitson-Fischman patent uses the same principle as described by Berner. The embodiment according to Figure 2 is a topical system using a topical patch 52 in the form of a porous material which absorbs the homeopathic medicament which is in a 30x potency (col. 9, second paragraph) which is nothing more than water. The impregnated patch 52 is put together with a magnetic ball 50 on the skin of a patient (col. 9, lines 51ff.) This ball amplifies the heterogen magnetic field of the homeopathic agent onto the patient.

There is nothing in Whitson-Fischman which teaches or suggests the recording of a electromagnetic spectrum of a drug onto magnetic particles of a tape and storing the electromagnetic data within the structure of these magnetic particles.

Therefore both known applications of Berner and Whitson-Fischman use a magnetic amplifying system **together** with the system to be amplified (i.e. mineral salts or a homeopathic medicament which is merely water).

Dillinger takes an analogous signal from an unidentified sample in form of its electromagnetic spectra, amplifies this signal and spreads the signal with bond pass filters D3-D200. Analog signals are converted into digital signals with an A/D converter and the digital data is stored in a computer 8.

When this digital signal of a certain sample (whatever it is) should be used then according to the system of Figure 2, the retroversal process starts again, namely the digital data is converted by a D-A-converter, amplified and then are given to the therapy 15 in form of an analog signal. Therefore, Dillinger's stored data is in the form of digital signals in a computer rather than in the form of analog signals on a magnetic tape. Dillinger states in col. 3, line 61-65 that the substance probes themselves are susceptible to electrical and magnetic fields and thus cannot be effectively stored for prolonged periods. Therefore digital "substance probes" .. remain effective in its original "quantity" and "purity". The digital storing of this data leads in an opposite direction, since a computer must **always** be used for the application of a certain compound by converting digital data in a D/A-converter into an electromagnetic signal which is applied by the usual electrodes in an electro-acupuncture.

Dillinger did not recognize that the electromagnetic spectrum of a certain medicament can be applied to a magnetic tape by changing the magnetic force in magnetic particles **and** - which is the most important aspect of the invention - that these tapes with the electromagnetic information of a certain drug can be applied to the skin of a patient.

In summary, Dillinger does not teach the complete analog recording of an electromagnetic spectrum of a certain drug onto magnetic particles of a magnetic tape.

With respect to the rejection of claims 1-5 under 35 USC § 103(a), applicant respectfully submits that the combination of Dillinger and Whitson-Fischmann fails to suggest the invention as claimed for the reasons discussed above, and additionally the following commentary.

As noted above, Dillinger goes in an opposite direction when compared to the present invention by registering an energetic information of a medicament composition in form of its **digital** information rather than in form of electromagnetic spectra by storing an analog signal in magnetic particles.

Accordingly, the combination of Dillinger and Whitson-Fischman only leads to digital storage of homeopathic medicaments and nothing more. Whitson-Fischman only teaches the amplification of a heterogen electromagnetic field with a magnetic layer in the same sense as the Berner reference.

Applicant respectfully submits that the position of the Examiner with respect to the combination of the teachings of Dillinger and Whitson-Fischman constitutes mere hindsight speculation since that combination totally fails to suggest the final solution of storing electromagnetic data of a drug on a magnetic tape and locally using that tape with such data on the body of a patient.

As a consequence, the tape with the electromagnetic data of a drug can be used without any amplification apparatus (Dillinger) or a magnetic amplification system, which also needs the drug itself (Berner or Whitson-Fischman). Accordingly, the invention of claims 1 - 5 is not rendered obvious by Dillinger in view of Whitson-Fischman.

Accordingly, in the absence of additional prior art of increased pertinency, it is believed that the present application is in condition for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

CONNOLLY & HUTZ

By Richard M. Beck

Richard M. Beck
Reg. No. 22,580
Tel. (302) 658-9141

RMB:kpr
Attachment: Signed copy of Disclosure Statement as filed 12/23/98
#100315v1<CB> -response 7-17-00.wpd